

AMENDED IN ASSEMBLY APRIL 25, 2006

AMENDED IN ASSEMBLY APRIL 17, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2714

Introduced by Assembly Member Torrico

February 24, 2006

An act to add Section 12317 to the Penal Code, relating to ammunition.

LEGISLATIVE COUNSEL'S DIGEST

AB 2714, as amended, Torrico. Ammunition.

Existing law generally regulates the sale of ammunition.

This bill would provide that no ammunition or reloaded ammunition may be delivered pursuant to a retail transaction unless the purchaser personally presents bona fide evidence of his or her identity and age, as specified, to the seller of the ammunition. Violation of these provisions would be an offense punishable by imprisonment in a county jail for a term not to exceed 6 months, or by a fine not to exceed \$1,000, or by both imprisonment and that fine, with increased penalties for 2nd or subsequent violations.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12317 is added to the Penal Code, to
2 read:
3 12317. (a) No ammunition or reloaded ammunition may be
4 delivered pursuant to a retail transaction unless the purchaser
5 presents in person his or her bona fide evidence of majority and
6 identity to the seller of the ammunition.
7 (b) Any person, corporation, or dealer who delivers
8 ammunition or reloaded ammunition in violation of this section
9 shall be punishable by imprisonment in a county jail for a term
10 not to exceed six months, or by a fine not to exceed one thousand
11 dollars (\$1,000), or by both imprisonment and that fine.
12 (c) A second or subsequent violation of this ~~subdivision~~
13 ~~section~~ is punishable by imprisonment in a county jail not to
14 exceed one year ~~or in the state prison~~, by a fine not to exceed ~~five~~
15 ~~two thousand dollars (\$5,000)~~ (\$2,000), or by both the fine and
16 imprisonment.
17 (d) “Bona fide evidence of majority and identity” means a
18 document issued by a federal, state, county, or municipal
19 government, or subdivision or agency thereof, including, but not
20 limited to, a motor vehicle operator’s license, state identification
21 card, identification card issued to a member of the armed forces,
22 or other form of identification that bears the name, date of birth,
23 description, and picture of the person.
24 (e) Subdivision (a) shall not apply to or affect the deliveries,
25 transfers or sales of ammunition to any of the following:
26 (1) Authorized law enforcement representatives of cities,
27 counties, cities and counties, or state and federal governments for
28 exclusive use by those government agencies if, prior to the
29 delivery, transfer, or sale of, written authorization from the head
30 of the agency employing the purchaser or transferee, identifying
31 the employee as an individual authorized to conduct the
32 transaction, and authorizing the transaction for the exclusive use
33 of the agency employing the individual.
34 (2) Sworn peace officers, as defined in Chapter 4.5
35 (commencing with Section 830) of Title 3 of Part 2 who are

1 authorized to carry a firearm in the course and scope of their
2 duties.

3 (f) Nothing in this section shall be construed to prevent a local
4 government from regulating ammunition sales in a manner that is
5 more strict than that specified herein.

6 SEC. 2. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the
11 penalty for a crime or infraction, within the meaning of Section
12 17556 of the Government Code, or changes the definition of a
13 crime within the meaning of Section 6 of Article XIII B of the
14 California Constitution.